

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PATTI M. PAGE,

Plaintiff,

vs.

HSIEH, et al.,

Defendants.

1:21-cv-00154-NONE-GSA-PC

**FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT PLAINTIFF'S
MOTION TO PROCEED IN FORMA
PAUPERIS BE DENIED
(ECF No. 5.)**

OBJECTIONS, IF ANY, DUE IN 14 DAYS

I. FINDINGS

Patti M. Page ("Plaintiff") is a state prisoner proceeding *pro se* with this civil rights action pursuant to 42 U.S.C. § 1983. On February 8, 2021, Plaintiff filed the Complaint commencing this action. (ECF No. 1.) On February 19, 2021, Plaintiff filed a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915 (ECF No. 5), and on February 23, 2021, Plaintiff filed a certified copy of her prison trust account statement (ECF No. 7).

In her motion to proceed *in forma pauperis*, Plaintiff reports that she received a \$1,200.00 stimulus check, as reflected as a transaction on December 11, 2020, in her prison trust account statement. (ECF Nos. 5, 7.) Plaintiff's trust account statement also shows that on January 16, 2021, shortly before filing the Complaint for this action she had a balance of \$950.00 in the account. (ECF No. 7.) Under these facts, the court finds that Plaintiff can afford the \$402.00

1 filing fee for this action. Therefore, Plaintiff's motion to proceed *in forma pauperis* should be
2 denied and Plaintiff be required to pay the statutory filing fee of \$402.00 for this action in full.

3 **II. RECOMMENDATIONS AND CONCLUSION**

4 Based on the foregoing, IT IS HEREBY RECOMMENDED that:

- 5 1. Plaintiff's motion to proceed *in forma pauperis*, filed on February 19, 2021, be
6 DENIED; and
- 7 2. Plaintiff be required to pay the \$402.00 filing fee for this action in full.

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen**
10 **(14) days** after the date of service of these findings and recommendations, Plaintiff may file
11 written objections with the court. Such a document should be captioned "Objections to
12 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
13 objections within the specified time may waive the right to appeal the District Court's order.
14 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

15
16 IT IS SO ORDERED.

17 Dated: February 23, 2021

/s/ Gary S. Austin
18 UNITED STATES MAGISTRATE JUDGE